

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)
)
Plaintiff,) 2:25-mj-05021-DMF-1
)
vs.) Flagstaff, Arizona
) January 14, 2025
Liam Gavan Wallace,) 2:33 p.m.
)
Defendant.)
)
)

BEFORE: THE HONORABLE CAMILLE D. BIBLES, MAGISTRATE JUDGE

TRANSCRIPT OF PROCEEDINGS

DETENTION HEARING

APPEARANCES:

For the Government:

U.S. Attorney's Office
By: DONDI OSBORNE, ESQ.
124 N. San Francisco St. 410
Flagstaff, AZ 86001-5296

For the Defendant Liam Gavan Wallace:

Federal Public Defenders Office
By: SARAH K. ERLINDER, ESQ.
124 N. San Francisco St., Ste. 204
Flagstaff, AZ 86001-0001

Transcriptionist:

Elva Cruz-Lauer
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 33
Phoenix, Arizona 85003
(602) 322-7261

Proceedings Recorded by Electronic Sound Recording
Transcript Produced by Transcriptionist

P R O C E E D I N G S

THE CLERK: Court calls case number 25-5021-MJ, United States of America versus Liam Gavan Wallace.

This is the time set for detention hearing and status regarding preliminary hearing.

Defendant is present and in custody.

Counsel.

MS. OSBORNE: Good afternoon, Your Honor.

Dondi Osborne for the United States appearing on behalf of Gayle Helart.

Also at counsel table with me is Matt Szmytke from Pretrial Services.

THE COURT: Good morning, Ms. Osborne.

Good morning, Officer Szmytke.

PRETRIAL SERVICES OFFICER: Good afternoon.

MS. ERLINDER: Hi and good afternoon. Sarah Erlinder with Liam Wallace.

THE COURT: Good afternoon, Ms. Erlinder.

And good morning, Mr. Wallace.

Sir, this is the time scheduled for two hearings in your case. We are going to take up the status hearing relating to the preliminary hearing first.

Ms. Erlinder.

MS. ERLINDER: If we could actually defer that until after the detention hearing.

1 THE COURT: Sure. Absolutely. So actually we are
2 going to turn now to the detention hearing. And basically
3 Mr. Wallace, as we discussed somewhat quickly at your initial
4 appearance, the only two issues that I'm looking at are whether
5 I believe you pose a risk of nonappearance at future hearings
6 in this case.

7 Whether I believe you would be able to follow my
8 orders and appear down the road; and/or two, whether you pose a
9 danger to the community or to any particular individuals in the
10 community. My action or my decision is guided by a very
11 specific statute that was passed by Congress.

12 And that takes me to the next issue, and that is,
13 based on the charge that you are facing, it is in a category of
14 charges that Congress have put in a category that mean that
15 there is a legal presumption, and that presumption is that I am
16 to start off assuming you to be a flight risk and/or a danger
17 to the community.

18 Now, because -- Ms. Erlinder.

19 MS. ERLINDER: Thank you. I just wanted to make a
20 record here.

21 THE COURT: Sure.

22 MS. ERLINDER: When I review the Bail Reform Act and I
23 go to 18 U.S.C. 3142(e)(3)(E), so basically that subsection E,
24 it says that subject to rebuttal by the person, it shall be
25 presumed that no condition or combination of conditions will

1 reasonably assure the appearance of the person as required and
2 the safety of the community, if the judicial officer finds
3 there is probable cause to believe the person committed -- and
4 under that section are the statutes, and there is a variety of
5 ways that that can be triggered, but under E is the statute
6 that Mr. Wallace is charged under, and so we would just, I
7 guess, object.

8 I would say that a probable cause determination has
9 not been made by a judicial official, so we would argue that
10 the presumption has not been triggered.

11 THE COURT: All right.

12 Ms. Osborne.

13 MS. OSBORNE: Your Honor, this case did come in by way
14 of complaint, and the complaint sets forth facts relating to
15 the offense, 18 U.S.C. 2423. It was signed off on by a
16 judicial officer, Judge Fine.

17 And so our position would be that probable cause does
18 exist here, and the Court can find that there's probable cause
19 that the offense occurred based on the complaint in the record.

20 THE COURT: Thank you.

21 MS. ERLINDER: Thank you. The statute says that the
22 individual committed the offense, and I guess my follow-up
23 question would be what the purpose of a preliminary hearing is.

24 I believe that a judicial officer signing a complaint,
25 although it's probable cause for arrest, but at least my

1 understanding is that -- and certainly if we were to just say
2 that the complaint on its own satisfied probable cause there
3 wouldn't be the provision to have a preliminary hearing.

4 THE COURT: All right. Thank you. I appreciate that.

5 I do find that Judge Fine has reviewed the complaint.
6 I have also reviewed the affidavit, and that her finding does
7 qualify as a judicial officer as required by the detention
8 statute.

9 I do note the objection. Overrule it for the purposes
10 of this hearing. That's certainly an issue I will take a
11 closer look at down the road.

12 But at this juncture, I am going to maintain really
13 what I was describing to you, Mr. Wallace, is that I am to
14 start off assuming you to be -- pose a risk of nonappearance
15 and to pose a danger to the community, or to any particular
16 individuals in the community.

17 Because of that, it means that your attorney will
18 begin with any argument or proffer of facts. Then the United
19 States is allowed to proceed with their argument and proffer of
20 facts, and then because there is that legal presumption or
21 burden, then your attorney is allowed a brief rebuttal.

22 I will point out that as I understand it as well, the
23 United States continues to have the burden of persuasion, which
24 is a slightly different distinction; however, because of the
25 way the presumption with respect to these two issues is set

1 out, your attorney is allowed both the first argument and then
2 an opportunity to present rebuttal information or argument, if
3 she believes that's necessary.

4 So with that, I'll turn to you, Ms. Erlinder.

5 MS. ERLINDER: Thank you. So if the Court is
6 considering this a presumption case, again, obviously we have
7 our objection, I would argue that it is even more critical that
8 the Court take a closer look at factors into 3142(g).

9 And so just running through them, the nature and
10 circumstances of the offense charged. This is certainly a
11 serious case. I would also argue that this factor is actually
12 accounted for in the presumption. That's how we get here, are
13 the nature and the circumstance of the offense charged.

14 The weight of the evidence is not easy to assess or
15 really -- I guess I would argue that I don't think there's
16 really anyone really in a position to assess that at this
17 point.

18 It certainly -- I understand it's an ongoing
19 investigation, and I do believe that to some degree that's also
20 accounted for in the presumption. But I think the -- clearly
21 that charges alone don't mandate detention, and we know that
22 for a few reasons.

23 We know that because Congress didn't say it did, and
24 we know that because specifically 3142(c) requires electronic
25 monitoring if someone is released with these charges.

1 And so obviously Congress intended that people would
2 be released, and the presumption is not -- it's a consideration
3 but it's not the end of the story.

4 And so from there in the Bail Reform Act we turn to
5 the history and characteristics of the individual, and so in
6 this case we have Mr. Wallace. Mr. Wallace is 27. He has
7 lived in Arizona his entire life. He is healthy. He doesn't
8 have any mental health issues.

9 One correction we would offer is that he does have
10 autism, and so I think that that probably falls -- it doesn't
11 fall neatly in either mental health or physical health, but I
12 think it's worth noting for the Court.

13 Mr. Wallace's family is all in Arizona. His father
14 and his grandmother are present in court. They came here from
15 Florence today. His mother and his stepfather also live in the
16 valley.

17 Mr. Wallace has worked as a truck driver since he was
18 able to get his CDL when he turned 21, so he has had consistent
19 work in the same line of work.

20 He has no criminal history. We did learn about a
21 shoplifting charge, juvenile shoplifting charge that was
22 dismissed, but that's it. He has never failed to appear. He
23 doesn't have any warrants. He doesn't have any substance abuse
24 issues.

25 I anticipate that the government is going to

1 discuss -- and there's some reference to it in the Pretrial
2 Services report, an ongoing investigation in -- or an
3 investigation through the Phoenix Police Department.

4 The government did share the reports. I appreciate
5 that, and I guess to just kind of -- essentially to get ahead
6 of it, it was interesting because the reports are titled "Child
7 Molestation." And when you actually read it -- so one,
8 Mr. Wallace wasn't present. He was actually in Kingman while
9 they were in Phoenix.

10 And the individuals involved -- so essentially these
11 people -- Mr. Wallace had picked up hitchhikers in Missouri.
12 They told him that they were 20 and 21 and that they were
13 fleeing abuse and had family in Arizona.

14 They got here. They stayed with him for a couple of
15 day. He continued working, so he wasn't there. He gave them
16 food. He gave them clothes. And -- but critically during --
17 what's in this report is they were asked if anything sexual
18 happened. They said no. They were asked if they were given
19 alcohol. They said, "No, he gave us snacks. He was nice to
20 us. He didn't hit us," which makes -- and I think the quote
21 is, "He didn't hit us, which makes this better than there," or
22 something to that effect.

23 And so there's not even any allegation there's
24 anything sexual going on. It's certainly unusual, but I
25 think -- I would offer that in that situation -- that this is

1 not an equivalent situation, or this isn't some kind of, you
2 know, prior bad act or something.

3 This was -- yeah, there's no allegation there's
4 anything kind of untoward going on with these individuals who,
5 I guess for their sake I hope they didn't go home. I hope they
6 went to a safer home.

7 But Mr. -- continuing with the Bail Reform Act
8 factors. Mr. Wallace is not on probation or parole or any
9 release, because he has no criminal history.

10 And in terms of dangerousness, I think that any
11 dangerousness we would argue really arises from the
12 presumption. Mr. Wallace otherwise does not have a history of
13 dangerousness, and that Mr. Wallace -- and that looking at it,
14 I think the Court can see dangerousness pretty narrowly for
15 Mr. Wallace, and therefore can tailor conditions pretty
16 narrowly to mitigate that.

17 So Mr. Wallace can be ordered on electronic
18 monitoring, as the law requires. He can be ordered not to have
19 access to the Internet. He can -- there's a number of
20 conditions the Court can impose.

21 I don't think the Court is reasonably concerned about
22 Mr. Wallace going out and punching someone or something to that
23 effect. And the ways that the Court might consider him
24 dangerous are pretty easily mitigated with release conditions.

25 Mr. Wallace has very strong family support. He has

1 very deep roots in Arizona, and he really does not have the
2 will or the means to flee.

3 And I share this because I liked it, not to embarrass
4 him, but Mr. Wallace did share yesterday as we were talking,
5 his perspective that there are three certainties in life, and
6 it's death, taxes, and that you can't escape the courts. And I
7 offer that because that is truly the attitude he's come in
8 with.

9 And at this point, he is looking -- his ideal
10 placement would be home with his -- or at least back with his
11 grandmother and his father, and he wants to be there to help
12 them, kind of physically and financially.

13 But we'd certainly explore other placements if that
14 ended up not being an option. So at this point we would ask
15 the Court to follow Pretrial's recommendation and have Pretrial
16 assess the Wallace's home for suitability for Mr. Wallace to
17 return there.

18 Thank you

19 THE COURT: Thank you.

20 Ms. Osborne.

21 MS. OSBORNE: Thank you, Your Honor. I just wanted to
22 let the Court know that Mr. Szmytke wanted to, for the record,
23 clarify there was a mistake in the addendum to the Pretrial
24 Services report just briefly.

25 THE COURT: I somewhat suspected that 2024 was not the

1 correct date, Officer Szmytke.

2 U.S. PROBATION OFFICER: Correct, Your Honor. 2014
3 was the correct date.

4 THE COURT: All right. Thank you. I will amend the
5 addendum to the Pretrial Report to reflect "2014." Thank you.

6 MS. OSBORNE: Thank you, Your Honor.

7 As referenced by Ms. Erlinder, the Pretrial Services
8 report does recommend that the defendant be screened for
9 location monitoring or rather the residence be looked at for
10 potential placement.

11 Our request, Your Honor, is that the defendant be
12 detained, and we would submit to the Court that the defendant
13 does present a danger, not just based on the facts of the
14 instant case, but also the facts relating to the investigation
15 in Phoenix, which I will relate to the Court in some detail.

16 The offense in this case, the Court is somewhat aware
17 of just based on the complaint, but I wanted to relate the
18 facts with a little more specificity.

19 On December 28th of '24, the mother of the 12-year-old
20 child referenced as "Jane Doe" in the complaint, reported that
21 her child was missing. She was aware that Jane Doe had been in
22 contact with Mr. Wallace previously and therefore suspected
23 that she might be with Mr. Wallace.

24 She had apparently run away from home on some previous
25 occasions, and in one of those instances where she had run

1 away, Mr. Wallace returned the child to her at the home, and
2 apparently told her that he was the father of an individual
3 that Jane Doe was dating.

4 He purported to have a son, and in that instance,
5 brought Jane Doe back. We later found out that -- it later
6 comes to light that that was not truthful.

7 Investigators -- after the report by the mother of
8 Jane Doe, investigators had Mr. Wallace's phone number from
9 Jane Doe's mother, and that phone number was used to obtain
10 location information via search warrant.

11 Investigators also contacted Mr. Wallace's employer,
12 and they initiated a three-way call. The employer,
13 investigators, and the defendant, and apparently during that
14 phone call, they were able to reach Mr. Wallace.

15 He advised he was traveling to Salt Lake City, Utah.
16 He said he was alone in his truck, and he refused at that time
17 apparently to pull over to meet with law enforcement.

18 Kane County, Utah authorities located the semi-truck
19 that Mr. Wallace was driving and pulled it over and did contact
20 Mr. Wallace. Upon contact, he at that point said that he was
21 "with his lady," or "girlfriend," who he said was 19 years of
22 age; however, the only other person in the vehicle with him was
23 12-year-old Jane Doe.

24 He was at that time arrested on state kidnapping
25 charges. After arrest and after Miranda, Mr. Wallace was

1 interviewed. He told investigators that he knew Jane Doe was
2 12 years old.

3 He said he met her online in late October or early
4 November '24. He admitted to meeting her in person on anywhere
5 between five and seven occasions. He said he had taken her to
6 California and Nevada prior to their trip to Utah and admitted
7 to previously lying about being father of Jane Doe's fictitious
8 boyfriend.

9 He denied ever having sexual contact with Jane Doe,
10 however. Jane Doe was interviewed. She indicated that she met
11 Mr. Wallace on a "teen chat" website. That's a website for
12 persons 13 to 19 years old. For the record, the defendant is
13 27 years of age.

14 She indicated that Mr. Wallace initiated the contact,
15 and then after that initial contact online, contacted her via
16 telephone.

17 She said she was sneaking out almost every night to go
18 see Mr. Wallace. They had sexual intercourse several times,
19 including in Arizona and Nevada, in his vehicles as well, and
20 that he had taken her to California.

21 A search warrant of Mr. Wallace's residence revealed
22 six electronic devices, also female underwear, journals of
23 females, one of which included a list of phone numbers, and a
24 phone number, including Jane Doe's mother's phone number.

25 With respect to the incident that -- or investigation

1 that's referenced in the Pretrial Services report on the last
2 page, that is the Phoenix Police Department investigation
3 regarding an offense or an investigation regarding minor male
4 and female that were from Missouri.

5 What reports reveal regarding that incident is back in
6 November, specifically November 26th of '24, Phoenix police
7 investigators responded to a call from R.B. She was the mother
8 of two juvenile children.

9 Her daughter was 16 years of age. Her son, 17 years
10 of age. She said that her children were missing from their
11 residence in St. Joseph, Missouri. They went missing on
12 November 21st.

13 Friends of the juveniles -- and the juvenile child
14 female is S.W. The juvenile male is H.W.

15 Friends of both of those juveniles advised police that
16 the two juveniles had been communicating with the friends and
17 they had -- the juveniles had left to meet a guy named Liam
18 Wallace. The friends were attempting to talk the juveniles
19 into coming back home.

20 The juvenile female apparently had told one of the
21 friends online the address where she was staying, and that
22 address turned out to be the address of Mr. Wallace in Phoenix.

23 On November 26th of '24, Phoenix police responded to
24 conduct a welfare check there, and when they got there, they
25 contacted the roommate of Mr. Wallace, initials S.A.

1 S.A. advised there were two other people in the
2 residence. She said that Mr. Wallace had brought these two
3 persons home. She said they looked underage, so she asked
4 Mr. Wallace about that, and he told her that they were not
5 underage, that he had known them for some time and was helping
6 them out.

7 The roommate said that the juvenile female had been
8 sleeping in the same bedroom as Mr. Wallace. She believed they
9 were sexually active, while the male juvenile had been sleeping
10 on the couch.

11 The roommate also said that Mr. Wallace brings random
12 people over regularly, and she does not trust the kind of
13 people he invites over, so she has a separate lock on her
14 bedroom door. The juveniles, when police arrived, were found
15 hiding in the closet.

16 The juveniles were interviewed and apparently told
17 police that Mr. Wallace had approached them at a bus stop in
18 St. Joseph, Missouri and offered them a ride.

19 They indicated they wanted to get away from their
20 parents who were abusive and said that Mr. Wallace promised the
21 male juvenile a job with his trucking company. The female
22 juvenile did deny engaging in sexual relations with
23 Mr. Wallace.

24 The Pretrial Services report does indicate that --
25 well, expresses some concerns about the suitability of a

1 third-party custodian named in that Pretrial Services report.

2 The other concerning thing in the Pretrial Services
3 report, from the government's perspective, is the victim's
4 residence is one and a half hours from the proposed residence
5 of the defendant. The defendant apparently now has no current
6 employment.

7 Our position, Your Honor, is that the defendant's
8 contacts with the 12-year-old child in this case, by visiting
9 teen chat rooms, approaching juveniles at a bus stop in
10 Missouri, shows the defendant presents an extreme danger to the
11 community.

12 He engages in fiction, essentially. He lied to the
13 roommate in indicating that the juveniles were actually adults.
14 He lied to the mother of Jane Doe saying he was the father of
15 the boy Jane Doe was dating.

16 He lied to the police about having Jane Doe in his
17 truck. And when pulled over, lied again saying it was just his
18 19-year-old girlfriend in the vehicle.

19 Our position, Your Honor, is the case is strong
20 evidentially. We maintain a presumption of detention here, and
21 due to the danger presented to the children, children most
22 vulnerable to persons like Mr. Wallace who apparently plan and
23 groom, there is a greater danger to the community at large as
24 well.

25 So we're asking that the defendant not be screened for

1 place in a home but that he be detained.

2 THE COURT: Thank you, Ms. Osborne.

3 Ms. Erlinder.

4 MS. ERLINDER: Thank you. I just want to reiterate
5 that we're just asking essentially to explore the option of
6 whether Mr. Wallace has a placement that he can go to, and at
7 least, certainly, I think to assess whether there is a
8 possibility -- I would just imagine that the Court would need
9 to know whether it was a possibility to make that
10 determination.

11 I guess I would also offer that -- the way that this
12 report is written, there's a summary section at the beginning
13 that refers to the roommate believing that there was a sexual
14 relationship. That's not mentioned again in the entire report,
15 and I could submit it and the Court could have it.

16 So in -- when it's -- the interview with her is
17 described, that's not in here. So, you know, I think
18 especially with these kind of allegations, it's very important
19 to be very precise, because it really matters, and it certainly
20 matters to Mr. Wallace. It certainly matters to the alleged
21 victims. It is important to be accurate.

22 And so -- and I don't say that to -- in relation to
23 the government. It's too bad that the report is kind of as
24 vague as it is, but I just wanted to note that when they're
25 describing the interviews, that is not in that section.

1 And yes -- and so I think that it's -- I would just
2 reiterate that I think it's really, as I mentioned at the
3 beginning, it's critical, especially in -- I believe especially
4 in a presumption case, for the Court to be very careful with
5 the factors, and also with the information that is taken in
6 because things can -- they are sensitive topics, and so we just
7 want to be sure that we're doing -- that we're accurate and
8 that we're doing it right.

9 So for all of these reasons -- and we do believe that
10 we have overcome the presumption. That there are release
11 conditions potentially that would mitigate concerns about
12 danger or flight, and just asking the Court to have
13 Mr. Wallace's family's home assessed so that we can determine
14 whether that may be the placement that satisfies any Court
15 concerns.

16 Thank you.

17 THE COURT: Thank you, Ms. Erlinder.

18 In evaluating flight risk, really or nonappearance and
19 dangerousness, your attorney has quite nicely gone through the
20 factors that I am to look at.

21 I start off with the nature and circumstances of the
22 offenses charged. In this case, it is a very serious offense.

23 At your initial appearance, I advised you that if
24 convicted of this offense, you would be facing a minimum of ten
25 years in prison and a maximum of life in prison. So it is

1 extremely serious.

2 When I look more -- and it does carry, in this Court's
3 view anyway, the legal presumption.

4 Now, looking more broadly at the circumstances of the
5 offense, and looking at the affidavit that is filed in support
6 of the complaint or the charge, and looking at the proffers
7 that have been provided to the Court, it does appear that this
8 particular individual, the alleged victim in this case, Jane
9 Doe, who is 12 years old, apparently what brought contact with
10 her, really into the realm of possibility, was being involved
11 in an Internet chat room that's designed for teenagers.

12 And it appears that all of the instant case started
13 with a teen chat Internet room, which does raise real concerns
14 about the use of the Internet, particularly in light of the
15 devices -- the number of devices that were proffered both in
16 the affidavit and in a proffer presented by the United States.

17 That is of tremendous concern. That is how a
18 12-year-old came into your orbit. It is of considerable
19 concern that there were trips to California alone with a 12
20 year-old-girl, and Nevada.

21 It is also a real concern to the Court as well that in
22 meeting the alleged victim's mother, you presented yourself as
23 a father of a 13-year-old boy who doesn't exist and also a
24 relationship that doesn't exist.

25 And that is, frankly, quite brazen as a way to meet

1 the parent of a child that -- a 12-year-old child that you've
2 been engaging in this kind of activity and -- even in terms of
3 the trips.

4 It is also of concern to the Court that when contacted
5 by law enforcement, that apparently, not only was there a
6 refusal to stop, which would have been in the best interest of
7 the child, but also giving a false statement to law
8 enforcement.

9 And then when stopped in Utah by law enforcement, the
10 description of the child as being an adult, which obviously is
11 false. It appears that you knew quite well that that was
12 false. That's of tremendous concern to the Court as well.

13 With respect to the proffered information relating to
14 the juveniles out of Missouri, it is of concern to the Court
15 that that -- basically that situation came about with a trip to
16 a bus station, and that two juveniles were picked up there and
17 transported to Arizona and were apparently staying in your
18 home.

19 I will not venture or make any inferences, other than
20 apparently the roommate being told that they were adults and
21 not juveniles, which obviously creates real concerns as well.

22 Based on the evidence presented in the affidavit, it's
23 very difficult -- it appears at this very early stage that the
24 weight of the evidence may be quite strong. It's a 12-year-old
25 child.

1 And based on what's been described or what she has
2 described, including her apparent frustration that she had
3 discerned that you might be cheating on her, which is a really
4 alarming perspective for a 12-year-old child to have, but that
5 really when I look at all of the evidence, it does appear to be
6 quite strong. But we are very early in the case, and so I
7 wouldn't give that much weight at this time.

8 I also will completely follow the Ninth Circuit, which
9 tells us not to give consideration, or a lot of consideration,
10 to the weight of the evidence. Given all of the factors in the
11 Ninth Circuit directive, I will not consider the weight of the
12 evidence.

13 I next look at your history and characteristics, and
14 that includes character, physical and mental condition, family
15 ties, employment, length of residence in the community, past
16 conduct, history of drug or alcohol abuse, those sorts of
17 things.

18 And I do note as well that your father and your
19 stepmother have appeared. They have traveled here today to be
20 here to really support you.

21 It does appear that you are basically grounded in the
22 Phoenix area. That's your home base. But I also factor in as
23 well the nature of your work, which has had you traveling, and
24 it has put you in both a position to take a 12-year-old out of
25 state, and also pick up juveniles, for whatever reason, in

1 another state and bring them to Arizona.

2 I do note that, again, overall your ties are to
3 Arizona. You have no criminal history at all, and apparently,
4 no substance abuse challenges. There's no record of any of
5 that. It doesn't appear that any of this would be driven by
6 substances, and certainly the nature of your employment would
7 make -- would also articulate that you don't have substances.

8 However, I do find, based on the really vulnerable
9 nature of, in this case, a 12-year-old child, and the fact, it
10 appears, that you have taken her out of state multiple times,
11 and that you have had contact with her and lied to her mother
12 about who you were and what your relationship with her would
13 be. I do find -- and the way that you came into contact with
14 her, which was through an Internet site that is dedicated to
15 teens.

16 I do find that you do pose a danger to, particularly
17 children, and that would be based on the nature of the instant
18 charge, separate and apart from the presumption in this case,
19 based on the facts that have been presented here.

20 I do find that you pose independently, a danger to
21 children, and I do that separate and apart from the presumption
22 that does, I believe, attach to this case.

23 When I consider all of these factors with the legal
24 presumption in this case, I do find that you have not overcome
25 the presumption in this case; however, I will find

1 independently on the record that's before me, that you do
2 pose -- by a clear and convincing standard, you do pose a
3 danger to children. So even independent of the presumption, I
4 would find that you would be -- need to be detained in custody.

5 In terms of considering options, I have real concerns
6 based on what I have reviewed here and the very specific danger
7 to young teenagers, to vulnerable young people.

8 I am concerned -- extremely concerned about the
9 Internet access, and I am not convinced that there would be a
10 way, if you were determined to have -- basically to reach the
11 Internet, I am not satisfied really that there are any
12 conditions that I'd be able to attach that would mitigate the
13 danger that has been demonstrated here. So I am going to
14 detain you in custody pending further proceedings.

15 Now, the next proceeding in this case would be setting
16 a preliminary hearing in this court. I assume, Ms. Erlinder,
17 that you would want us to set a preliminary hearing?

18 MS. ERLINDER: Can I have one second?

19 THE COURT: Go ahead.

20 (Discussion between Ms. Erlinder and the Defendant.)

21 MS. ERLINDER: Thank you. In discussing with
22 Mr. Wallace -- and we did have discussions with Ms. Helart
23 also. There's not very much discovery at this point, but she
24 is willing to provide it early in exchange for Mr. Wallace's
25 waiver of the preliminary hearing, and that's what he'd like to

1 do.

2 THE COURT: All right. Thank you.

3 So Mr. Wallace, while you have a right to have a
4 preliminary hearing, you also have a right to waive that
5 hearing, particularly when it's in exchange for a benefit from
6 the United States. Is that what you would like to do, is to
7 waive the preliminary hearing?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right. So I have obviously reviewed
10 the affidavit, but basically what that means is that there will
11 not be a preliminary hearing. I find that you have waived your
12 preliminary hearing.

13 So your next hearings would in all likelihood be in
14 the Phoenix courthouse. I am inclined to go ahead and order,
15 particularly since he and his family are based out of Phoenix,
16 I would be inclined to go ahead and order Mr. Wallace
17 transported to a facility that's closer to the Phoenix
18 courthouse, unless there was a specific reason not to do so.

19 Ms. Erlinder.

20 MS. ERLINDER: I don't believe so. And, yes, his
21 father and grandmother live in Florence, and so it's certainly
22 closer for them.

23 THE COURT: Very good.

24 So Mr. Wallace, I will go ahead and order that you be
25 transported to a facility that was closer to the Phoenix

1 courthouse. That will in all likelihood be in the Florence
2 area. And that will be pending your next hearings in this
3 case.

4 Ms. Osborne, is there anything further we should
5 address on behalf of the United States?

6 MS. OSBORNE: No, Your Honor. Thank you.

7 THE COURT: Thank you.

8 Ms. Erlinder, is there anything further we should
9 address on behalf of Mr. Wallace?

10 MS. ERLINDER: I don't think so. Thank you.

11 THE COURT: Thank you.

12 We are adjourned.

13 (Proceedings concluded at 3:08 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E

2
3 I, ELVA CRUZ-LAUER, court-approved transcriber,
4 certify that the foregoing is a correct transcript from the
5 official electronic sound recording of the proceedings in the
6 above-entitled matter.

7
8 DATED at Phoenix, Arizona, this 31st day of January,
9 2025.

10
11 _____
12 s/Elva Cruz-Lauer
13 Elva Cruz-Lauer